



In re Application of:

Robert POLLIN

Application No.: 09/492,133

Filed: January 27, 2000

For: AUTOMATED PAYMENT SYSTEM
AND METHOD

) Group Art Unit: 2166

) Examiner: A. Kalinowski

RECEIVED

JAN 07 2002

Commissioner for Patents and Trademarks
Washington, DC 20231

Technology Center 2100

Sir:

DECLARATION UNDER 37 C.F.R. § 1.132

1. I, Robert E. Pollin, am the named inventor in the above-identified application.

2. The “Auto-Pay” service described in an article by Lisa Fickensher entitled “Autoscribe Wins Patent for Phone Payment System Series”, which was published on June 17, 1994 in *American Banker*, refers to a service marketed by AutoScribe Corporation not the Automated Payment System and Method of patent application Serial No. 08/959,930, now U.S. Patent No. 5,504,677, and the related applications which claim priority to the same application, including the present application.

3. The "Auto-Pay" service was not:

An automated system for generating authorized drafts on a plurality of financial accounts belonging to a plurality of payors, in payment of debts to a payee, comprising:

input means for performing an electronic information input process in which input information is received, including a manual input of account identification information sufficient to identify a particular one of said payor financial accounts and a financial institution holding said account, and amount information defining an amount to be paid to said payee;

processing means connected to said input means for receiving said input information and processing said information to format a draft on said financial account payable to said payee, said draft format including identification of said financial account, identification of said financial institution holding said financial account, and an instruction to pay said amount to said payee including particular identification of said payee, and further including a signatory block for an authorizing signature other than said payor's signature;

output means for transferring said draft format to an external magnetic printing means connectable to said processing means for generating a paper copy of said draft using magnetically encoded ink and printing fonts compatible with clearing house check processing equipment.

4. The invention recited in claim 26 of the present application was not in public use and was not offered for sale more than one year prior to October 15, 1992, the filing date of patent application Serial No. 08/959,930.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: 12/28/2001

By: Robert E. Pollin
Robert E. Pollin

#220853